

KAREN MCCONVILLE, SBN 269234
McConville Law
24 Professional Center Parkway, Suite 240-D
San Francisco, California 94903
Tel: 415-786-7806
Email: kmccconville3@gmail.com

Attorney for
Dung Dinh

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUNG DINH,

Defendant.

Case No. 4:23-mj-71264-MAG

**STIPULATION AND ORDER TO
CONTINUE STATUS ON PRELIMINARY
HEARING OR ARRAIGNMENT**

The above-captioned case is scheduled for a status regarding preliminary hearing or arraignment on March 25, 2024, at 10:30 a.m. The parties stipulate and agree that the Court should continue this matter to April 29, 2024, at 10:30 a.m., for the reasons set forth below.

Dung Dinh made his initial appearance on a complaint on August 25, 2023. He was released from custody on the same date, and he has been in full compliance with the terms of his pretrial release. He has made all his court appearances since that time and most recently appeared

1 before this Court on January 8, 2024, for a status. The government has produced voluminous
2 discovery in this matter which includes multiple video and audio files. Counsel continues to
3 review this discovery with the client and is also pursuing possible resolution of the case. In
4 addition, counsel has retained an expert to evaluate the defendant. The expert is in the process of
5 beginning this evaluation. For these reasons, defense counsel needs time to continue review of the
6 discovery in this case, complete the evaluation and negotiate a possible resolution of the case. As
7 a result, the parties stipulate and agree that the Court should continue this matter.

9 The parties further stipulate and agree to exclude time under the Speedy Trial Act until
10 April 29, 2024, because the ends of justice served by the continuance outweigh the best interest of
11 the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A). The parties
12 further stipulate and agree that the failure to grant a continuance would unreasonably deny the
13 defendant the reasonable time necessary for effective preparation, taking into account the exercise
14 of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

16 In addition, the parties agree to waive time under Federal Rule of Criminal Procedure 5.1,
17 from March 25, 2024, to April 29, 2024. For this reason and for the reasons set forth above, the
18 parties request that the Court find good cause for extending the time limit for a preliminary
19 hearing under Rule 5.1 and for extending the 30-day time period for an indictment under the
20 Speedy Trial Act as set forth above. See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

23 Date: March 13, 2024

Respectfully submitted,

26 _____
/s/
KAREN MCCONVILLE
Attorney for Dung Dinh

ISMAIL J. RAMSEY
United States Attorney

/s/

BENJAMIN K. KLEINMAN
Assistant United States Attorney

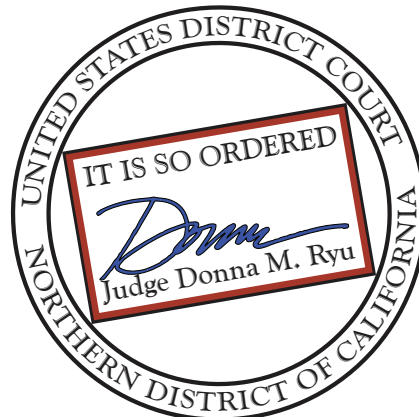
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ORDER

For the reasons set forth above, the status regarding preliminary hearing or arraignment is continued from March 25, 2024, to April 29, 2024, at 10:30 a.m. It is further ordered that time is excluded, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), through April 29, 2024. Furthermore, considering the public interest in the prompt disposition of criminal cases, the preliminary hearing is continued based on the parties' showing of good cause to waive time under Federal Rule of Criminal Procedure 5.1. The Court finds good cause for extending the time limits for a preliminary hearing under Rule 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. Accordingly, it is ordered the waiver of time under Rule 5.1 is effective from March 25, 2024 to April 29, 2024.

IT IS SO ORDERED.

DATED: March 19, 2024



HON. DONNA M. RYU
United States Chief Magistrate Judge